

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BRIAN WHITAKER,
Plaintiff,

v.

MARSO LLC,
Defendant.

Case No. 21-cv-03711-PJH

ORDER OF DISMISSAL

Re: Dkt. No. 23

The plaintiff, by his counsel, advised the court that the parties have reached a provisional settlement of this case. IT IS HEREBY ORDERED that this case is dismissed **without** prejudice and all pending dates are vacated. However, if any party certifies to the court within 60 days that the settlement has not been finalized, this order shall stand vacated and this case shall be restored to the calendar to be set for trial.

If no certification is filed, after passage of 60 days, the dismissal shall be **with** prejudice. The parties may, of course, substitute a dismissal with prejudice at any time during this 60-day period.

IT IS SO ORDERED.

Dated: September 28, 2021

/s/ Phyllis J. Hamilton

PHYLLIS J. HAMILTON
United States District Judge